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**PATENT**

Attorney's Docket No. 203-630CIP (1253CIP)

**COMBINED DECLARATION AND POWER OF ATTORNEY**  
(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is of the following type: (check one applicable item below)

- ☒ original  
☐ design  
☐ supplemental

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application do not check next item; check appropriate one of last three items.

- ☐ national stage of PCT

NOTE: If one of the following 3 items apply then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR CIP.

- ☐ divisional  
☐ continuation  
☒ continuation-in-part (CIP)

**INVENTORSHIP IDENTIFICATION**

WARNING: If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**  
**APPARATUS AND METHOD FOR APPLYING SURGICAL STAPLES TO**  
**ATTACH AN OBJECT TO BODY TISSUE**

**SPECIFICATION IDENTIFICATION**

the specification of which: (complete (a), (b) or (c))

- (a) ☐ is attached hereto.  
(b) ☒ was filed on March 31, 1992 as ☐ Serial No. 0 / \_\_\_\_\_  
or ☒ Express Mail No., as Serial No. not yet known RB758696048US  
and was amended on \_\_\_\_\_ (if applicable).

NOTE: Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.

(c) ☐ was described and claimed in PCT International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_ (if any).

#### ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations. § 1.56(a).

☐ In compliance with this duty there is attached an Information disclosure statement. 37 CFR 1.97.

#### PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

(d) ☒ no such applications have been filed.

(e) ☐ such applications have been filed as follows.

NOTE: Where item (c) is entered above and the International Application which designated the U.S. claimed priority check item (e), enter the details below and make the priority claim.

#### EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
			<input type="checkbox"/> YES   NO <input type="checkbox"/>
			<input type="checkbox"/> YES   NO <input type="checkbox"/>
			<input type="checkbox"/> YES   NO <input type="checkbox"/>
			<input type="checkbox"/> YES   NO <input type="checkbox"/>
			<input type="checkbox"/> YES   NO <input type="checkbox"/>

#### ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

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# POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

PETER G. DILWORTH, Reg. No. 26,450; ROCCO S. BARRESE, Reg. No. 25,253; JOSEPH J. CATANZARO, Reg. No. 25,837; DAVID M. CARTER, Reg. No. 30,949; ADRIAN T. CALDERONE, Reg. No. 31,746; GEORGE M. KAPLAN, Reg. No. 28,375; PAUL J. FARRELL, Reg. No. 33,494; PETER DELUCA, Reg. No. 32,978; JEFFREY S. STEEN, Reg. No. 32,063, and RAYMOND E. FARRELL, Reg. No. 34,816, each of them of DILWORTH & BARRESE, 333 Earle Ovington Boulevard, Uniondale, New York 11553; and, THOMAS R. BREMER, Reg. No. 29,489; JOHN C. ANDRES, Reg. No. 30,931; BASAM E. NABULSI, Reg. No. 31,645; NEIL D. GERSHON, Reg. No. 32,225; and, MARK FARBER, Reg. No. 34,159, each of them of UNITED STATES SURGICAL CORPORATION, 150 Glover Avenue, Norwalk, Connecticut 06856.

## SEND CORRESPONDENCE TO

Rocco S. Barrese, Esq.  
DILWORTH & BARRESE  
333 Earle Ovington Blvd.  
Uniondale, NY 11553

## DIRECT TELEPHONE CALLS TO: (Name and telephone number)

Rocco S. Barrese  
(516) 228-8484

## DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## SIGNATURE(S)

Full name of sole or first inventor DAVID T. GREEN  
Inventor's signature *David T. Green*  
Date 5/13/92 Country of Citizenship UNITED KINGDOM  
Residence WESTPORT, CONNECTICUT  
Post Office Address 28 BERMUDA ROAD, WESTPORT, CT 06880

Full name of second joint inventor, if any HENRY BOLANOS  
Inventor's signature *Henry Bolanos*  
Date 5/13/92 Country of Citizenship USA  
Residence EAST NORWALK, CONNECTICUT  
Post Office Address 9 FONETTA CIRCLE, EAST NORWALK, CT 06855

**CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING ADDED PAGE(S) WHICH  
FORM A PART OF THIS DECLARATION**

- ☒ Signature for third and subsequent joint inventors. *Number of pages added*  
one
- ☐ Signature by administrator(trix), executor(trix) or legal representative for de-  
ceased or incapacitated inventor. *Number of pages added* \_\_\_\_\_
- ☐ Signature for inventor who refuses to sign or cannot be reached by person au-  
thorized under 37 CFR 1.47. *Number of pages added* \_\_\_\_\_

...

- ☒ Added pages to combined declaration and power of attorney for divisional, con-  
tinuation, or continuation-in-part (CIP) application.

☒ *Number of pages added* two

...

- ☐ Authorization of attorney(s) to accept and follow instructions from representative

...

***If no further pages form a part of this Declaration then end this Declara-  
tion with this page and check the following item***

- ☐ This declaration ends with this page

ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR SIGNATURE BY THIRD AND SUBSEQUENT INVENTORS

Full name of third joint inventor, if any WAYNE YOUNG  
Inventor's signature Wayne Young  
Date 5/18/92 Country of Citizenship USA  
Residence BREWSTER, NEW YORK  
Post Office Address ALLVIEW AVENUE, BREWSTER, NY 10509

Full name of fourth joint inventor, if any STEPHAN A. DeFONZO  
Inventor's signature Stephan A. DeFonzo  
Date 5-15-92 Country of Citizenship USA  
Residence BRIDGEPORT, CONNECTICUT  
Post Office Address 39 PLATEAU AVENUE, BRIDGEPORT, CT 06606

Full name of fifth joint inventor, if any RICHARD A. McGARRY  
Inventor's signature Richard A. McGarry  
Date 05-19-92 Country of Citizenship USA  
Residence NORWALK, CONNECTICUT  
Post Office Address 11 EAST MEADOW LANE, NORWALK, CT 06851

Full name of sixth joint inventor, if any DOMINICK L. MASTRI  
Inventor's signature Dominick L. Matri  
Date 5-19-92 Country of Citizenship USA  
Residence BRIDGEPORT, CONNECTICUT  
Post Office Address 302 CAMBRIDGE STREET, BRIDGEPORT, CT 06606

**ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION**

*(complete this part only if this is a divisional, continuation or CIP application)*

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER 35 U.S.C. 120**

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120:					
U.S. APPLICATIONS			Status (Check one )		
U.S. APPLICATIONS	U.S. FILING DATE		Patented	Pending	Abandoned
1.07 / 782,290	October 18, 1991			X	
2.0 /					
3.0 /					
PCT APPLICATIONS DESIGNATING THE U.S.					
PCT APPLI- CATION NO.	PCT FILING DATE	U.S. SERIAL NOS. ASSIGNED (if any)			
4.					
5.					
6.					

**35 USC 119 PRIORITY CLAIM, IF ANY, FOR ABOVE LISTED U.S./PCT APPLICATIONS**

ABOVE APPLICATION NO.	DETAILS OF FOREIGN APPLICATION FROM WHICH PRIORITY CLAIMED UNDER 35 USC 119		
	Country	Application No.	Date of filing (day, month, year)
1.			
2.			
3.			
4.			
5.			
6.			



Attorney's Docket No. 203-630CIP(1253CIP)

**PATENT**

For: ☒ U.S. and/or ☒ Foreign Rights  
For: ☒ U.S. Application or ☐ U.S. Patent  
By: ☒ Inventor(s) or ☐ Present Owner

**ASSIGNMENT OF INVENTION**

In consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,

ASSIGNOR: DAVID T. GREEN, HENRY BOLANOS, WAYNE YOUNG,  
(inventor(s) or STEPHAN A. DeFONZO, RICHARD A. McGARRY, AND  
person(s) or entity(ies) DOMINICK L. MASTRI  
who own the invention)

*(If assignment is by person or entity to whom invention was previously assigned and this was recorded in PTO add the following)*

Recorded on \_\_\_\_\_  
Reel \_\_\_\_\_  
Frame \_\_\_\_\_

hereby sells, assigns and transfers to

ASSIGNEE:

UNITED STATES SURGICAL CORPORATION  
(Type or print name of ASSIGNEE)  
150 GLOVER AVENUE  
Address  
NORWALK, CONNECTICUT 06856  
USA  
Nationality

and the successors, assigns and legal representatives of the ASSIGNEE

*(complete one of the following)*

- ☒ the entire right, title and interest  
☐ an undivided \_\_\_\_\_ percent (\_\_\_\_\_ %) interest

for the United States and its territorial possessions

*(check the following box if foreign rights are also to be assigned)*

- ☒ and in all foreign countries, including all rights to claim priority,

in and to any and all improvements which are disclosed in the invention entitled:

APPARATUS AND METHOD FOR APPLYING SURGICAL STAPLES TO ATTACH AN  
OBJECT TO BODY TISSUE

*(check and complete (a), (b), (c) or (d))*



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

DATE: 08/07/92

TO:

JOSEPH J. CATANZARO  
DILWORTH & BARRESE  
333 EARLE OVINGTON BOULEVARD  
UNIONDALE, NY 11553

**UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT**

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT BRANCH OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE U.S. PATENT AND TRADEMARK OFFICE ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT ASSIGNMENT PROCESSING SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT BRANCH, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

ASSIGNOR:  
GREEN, DAVID T.

DOC DATE: 05/13/92

ASSIGNOR:  
BOLANOS, HENRY

DOC DATE: 05/13/92

ASSIGNOR:  
YOUNG, WAYNE

DOC DATE: 05/18/92

ASSIGNOR:  
DEFONZO, STEPHAN A.

DOC DATE: 05/15/92

ASSIGNOR:  
MCGARRY, RICHARD A.

DOC DATE: 05/19/92

ASSIGNOR:  
MASTRI, DOMINICK L.

DOC DATE: 05/19/92

RECORDATION DATE: 06/03/92    NUMBER OF PAGES 005    REEL/FRAME 6160/0329

DIGEST :ASSIGNMENT OF ASSIGNORS INTEREST

ASSIGNEE:  
UNITED STATES SURGICAL CORPORATION  
150 GLOVER AVENUE  
NORWALK, CONNECTICUT 06856

*OW*

6160/0329 PAGE 0002

SERIAL NUMBER	7-861065	FILING DATE	03/31/92
PATENT NUMBER		ISSUE DATE	00/00/00

and which is found in

- (a) ☐ U.S. patent application executed on even date herewith  
(b) ☐ U.S. patent application executed on FILED AS EXPRESS MAIL NO.  
(c) ☒ U.S. application serial no. RB758696048US filed on March 31, 1992  
(d) ☐ U.S. patent no. \_\_\_\_\_ issued \_\_\_\_\_  
☐ A change of address to which correspondence is to be sent regarding patent maintenance fees is being sent separately.

(also check (e) if foreign application(s) is also being assigned)

- (e) ☒ and any legal equivalent thereof in a foreign country, including the right to claim priority

and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, renewal, or substitute thereof, and as to letters patent any re-issue or re-examination thereof

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, I/We have hereunto set hand and seal this \_\_\_\_\_ (Date of signing).

WARNING: Date of signing must be the same as the date of execution of the application if item (e) was checked above.

David T. Green  
DAVID T. GREEN

5-13-92  
Dated

Henry Bolanos  
HENRY BOLANOS

5/13/92  
Dated

Wayne Young  
WAYNE YOUNG

5/18/92  
Dated

Stephan A. DeFonzo  
STEPHAN A. DeFONZO

5-15-92  
Dated

Richard A. McGarry  
RICHARD A. MCGARRY

05-19-92  
Dated

Dominick L. Mastro  
DOMINICK L. MASTRI

5-19-92  
Dated

If ASSIGNOR is a legal entity complete the following information

\_\_\_\_\_  
Type or print the name of the above person  
authorized to sign on behalf of ASSIGNOR

\_\_\_\_\_  
Title

NOTE: No witnessing, notarization or legalization is necessary. If the assignment is notarized or legalized then it will only be prima facie evidence of execution 35 USC 261. Use next page if notarization is desired.

☐ Notarization or Legalization Page Added.

STATE OF *Connecticut*  
SS *Norwalk*  
COUNTY OF *FAIRFIELD*

On this *13<sup>th</sup>* day of *May*, 19*92*,  
before me personally appeared DAVID T. GREEN  
to me personally known and known to me to be the person  
who signed the foregoing assignment and acknowledged the  
signing of same as his free act and deed.

*Gretchen S. Radley*  
Notary Public  
NOTARY PUBLIC  
My Commission Expires *March 31, 1993*

STATE OF *Connecticut*  
SS *Norwalk*  
COUNTY OF *FAIRFIELD*

On this *13<sup>th</sup>* day of *May*, 19*92*,  
before me personally appeared HENRY BOLANOS  
to me personally known and known to me to be the person  
who signed the foregoing assignment and acknowledged the  
signing of same as his free act and deed.

*Gretchen S. Radley*  
Notary Public  
NOTARY PUBLIC  
My Commission Expires *March 31, 1993*

STATE OF *Connecticut*  
SS *Norwalk*  
COUNTY OF *FAIRFIELD*

On this *18<sup>th</sup>* day of *May*, 19*92*,  
before me personally appeared WAYNE YOUNG  
to me personally known and known to me to be the person  
who signed the foregoing assignment and acknowledged the  
signing of same as his free act and deed.

*Gretchen S. Radley*  
Notary Public  
NOTARY PUBLIC  
My Commission Expires *March 31, 1993*

STATE OF *Connecticut*  
SS *Norwalk*  
COUNTY OF *FAIRFIELD*

On this *15<sup>th</sup>* day of *May*, 19*92*,  
before me personally appeared STEPHAN A. DeFONZO  
to me personally known and known to me to be the person  
who signed the foregoing assignment and acknowledged the  
signing of same as his free act and deed.

*Gretchen S. Radley*  
Notary Public  
NOTARY PUBLIC  
My Commission Expires *March 31, 1993*

STATE OF CONNECTICUT  
SS Norwalk  
COUNTY OF FAIRFIELD

On this 19<sup>th</sup> day of May, 1992,  
before me personally appeared RICHARD A. MCGARRY,  
to me personally known and known to me to be the person  
who signed the foregoing assignment and acknowledged the  
signing of same as his free act and deed.

Grette S. Radley  
Notary Public  
NOTARY PUBLIC  
My Commission Expires March 31, 1993

STATE OF CONNECTICUT  
SS Norwalk  
COUNTY OF FAIRFIELD

On this 19<sup>th</sup> day of May, 1992,  
before me personally appeared DOMINICK L. MASTRI  
to me personally known and known to me to be the person  
who signed the foregoing assignment and acknowledged the  
signing of same as his free act and deed.

Grette S. Radley  
Notary Public  
NOTARY PUBLIC  
My Commission Expires March 31, 1993

STATE OF  
SS  
COUNTY OF

On this        day of        , 19    ,  
before me personally appeared  
to me personally known and known to me to be the person  
who signed the foregoing assignment and acknowledged the  
signing of same as his free act and deed.

\_\_\_\_\_  
Notary Public

STATE OF  
SS  
COUNTY OF

On this        day of        , 19    ,  
before me personally appeared  
to me personally known and known to me to be the person  
who signed the foregoing assignment and acknowledged the  
signing of same as his free act and deed.

\_\_\_\_\_  
Notary Public